

Thursday, May 1, 2008

House Meets At...	Votes Predicted At...
10:00 a.m. For Legislative Business	Last Vote: 3:00 p.m.
Five "One-minutes" Per Side	

Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.

Floor Schedule and Procedure

- **H. Res. 1167 - Providing for consideration of motions to suspend the Rules (Rep. Slaughter –Rules):** The rule provides that it shall be in order at any time on the legislative day of Thursday, May 1, 2008, for the Speaker to entertain motions that the House suspend the rules relating to the following measures: 1) The bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families; (2) The bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; (3) A bill to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002. Debate on the rule will be managed by Rules Committee Chair Rep. Louise Slaughter, and consideration will proceed as follows:
 - One hour of debate on the rule.
 - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
 - Vote on adoption of the rule. **Democrats are urged to vote yes.**
- **Suspension Bills:** Today, the House will consider several bills on the Suspension calendar. Bills considered on the Suspension calendar are debatable for 40 minutes; may not be amended; and require a two-thirds vote for passage. If a recorded vote is requested, it will be postponed.
 - 1) **H.Con.Res. ____** - To make technical correction in the enrollment of **H.R. 493** – Genetic Information Nondiscrimination Act (Rep. George Miller (CA) – Education and Labor)
 - 2) **H.R. 5715** - To ensure continued availability of access to the Federal student loan program for students and families as Amended (Rep. George Miller (CA) – Education and Labor)

3) S. ____ - A bill to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 (Rep. Peterson – Agriculture)

- **H. Res. 1156-Rule providing for the consideration of the Senate amendment to the bill H.R. 493, the Genetic Information Nondiscrimination Act of 2007 (Rep. Slaughter-Rules):** The rule provides for the consideration of the Senate amendment to H.R. 493. The rule makes in order a motion by the chairman of the Committee on Education and Labor to concur in the Senate amendment. The rule provides one hour of debate on the motion with 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor; 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee Energy and Commerce; and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee Ways and Means. Debate on the rule will be managed by Rep. Slaughter, and consideration will proceed as follows:
 - One hour of debate on the rule.
 - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
 - Vote on adoption of the rule. **Democrats are urged to vote yes.**
- **H.R. 493 – Genetic Information Nondiscrimination Act as Amended (Rep. Slaughter – Education and Labor):** Pursuant to the rule, debate on the bill will be managed by Education and Labor Committee Chair Rep. George Miller, or his designee, Energy and Commerce Committee Chair Rep. John Dingell, or his designee, and Ways and Means Committee Chair Rep. Charlie Rangel, or his designee, each for twenty minutes, and will proceed as follows:
 - One hour of debate on the amendment.
 - Vote on adoption of the amendment. **Democrats are urged to vote yes on adoption of the amendment.**
- **Kind Motion to Instruct Conferees on H.R. 2419 - Food and Energy Security Act of 2007:** Debate on the Motion to Instruct will proceed as follows:
 - One hour of debate on the Motion to Instruct Conferees.
 - Vote on adoption the Motion to Instruct Conferees
- **Ryan (WI) Motion to Instruct Conferees on H.R. 2419 - Food and Energy Security Act of 2007:** Debate on the Motion to Instruct will proceed as follows:
 - One hour of debate on the Motion to Instruct Conferees.
 - Vote on adoption the Motion to Instruct Conferees
- **Postponed Vote on Flake Motion to Instruct Conferees on H.R. 2419 Food and Energy Security Act of 2007.**

- **Postponed Suspension Vote:**
1) H.Con.Res. 308 - Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (Rep. Norton - Transportation and Infrastructure)

Bill Summary and Key Issues

H.R. 493 – GENETIC INFORMATION NONDISCRIMINATION ACT AS AMENDED *(Rep. Slaughter – Education and Labor)*

H.R. 493: THE GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)

The purpose of this legislation is to protect individuals from discrimination in health insurance and employment on the basis of genetic information. Establishing these protections will allay concerns about the potential for discrimination, encourage individuals to participate in genetic research, and take advantage of genetic testing, new technologies, and new therapies.

Title I – Health Insurance

GINA will prevent health insurers from canceling, denying, refusing to renew, or changing the terms or premiums of coverage based solely on a genetic predisposition toward a specific disease. The legislation applies to employer-sponsored group health plans, health insurance issuers in the group and individual markets, Medigap insurance, and state and local non-federal governmental plans.

The HHS Standards for Privacy of Individually Identifiable Health Information (medical privacy regulations) (45 CFR Parts 160 and 164; final rule) already protect the use and disclosure of all individually-identifiable health information, including genetic information. However, a permitted 'use' of health information under the privacy rules (i.e., a specific item under 'health care operations') is underwriting, a practice that is inherently discriminatory. Therefore, this bill expressly bans the use or disclosure of genetic information for purposes of underwriting.

By building these protections into existing statutes (e.g., ERISA, PHSA, Social Security Act, and Internal Revenue Code), this Title generally uses the same mechanisms to enforce the protections established under this legislation as apply to other violations of these underlying statutes. For group health plans and health insurance issuers in the individual and group markets, the appropriate Secretary may impose penalties of \$100 per day/per person, with a minimum penalty of \$2,500--up to \$15,000 for multiple violations that are more than de minimis with an outside cap of up to \$500,000 for a violation of the protections against genetic discrimination.

With regard to the privacy provisions established by this legislation, the same enforcement structure and penalties created by the Social Security Act for the HHS privacy standards apply with regard to the privacy protections established for genetic information by this legislation. The genetic privacy provisions are enforced by the HHS Office of Civil Rights. The Secretary of HHS may impose civil monetary penalties of \$100 per violation--up to \$250,000 and 10 years in

prison for violations committed for commercial advantage, personal gain, or malicious harm.

Title II – Employment Provisions

This prohibition extends to employers, unions, employment agencies, and labor-management training programs.

Employers, labor organizations, employment agencies, and joint labor-management committees generally are prohibited from requesting, requiring, or purchasing genetic information about an employee or family member, except for a few legitimate reasons. The purchase of commercially and publicly available documents or inadvertently requesting or requiring family medical history would not violate this title. Under each of these exceptions, however, the genetic information still could not be used or disclosed.

The legislation protects applicants or employees of private employers as defined under the Civil Rights Act of 1964 (42 U.S.C. 2000e(f)), State employees, Federal employees, Congressional employees, and employees as defined in 3 U.S.C. 411(c)(0). Claimants are required to file a charge with the appropriate enforcement agency within a certain time period, prior to filing a suit in court. The bill provides for the same compensatory and punitive damages available to prevailing plaintiffs under 42 U.S.C. 1981a, which are progressive with the size of the employer and limited to cases of disparate treatment.

Quote of the Day

“In a democracy dissent is an act of faith. Like medicine, the test of its value is not in its taste, but its effects.” -William Fulbright